

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE
NORTH DAKOTA LEGISLATIVE COUNCIL**

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-02-04.1, Child Support)	<u>DEPT. OF HUMAN SERVICES</u>
Guidelines)	December 5, 2017
(Supplement 367 Addendum)	
Pages 191-202))	

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For its report, the North Dakota Department of Human Services (Department) states:

1. The proposed amendments to N.D. Admin Code chapter 75-02-04.1 are necessary to comply with 2017 Senate Bill No. 2277, relating to child support obligations of incarcerated parents.
2. These rules are related to changes in a federal statute or regulation, specifically, Title 45, Code of Federal Regulations, part 302.56, relating to states imputing income and taking into consideration the basic subsistence needs of obligors who have limited ability to pay.
3. The Department uses direct and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The Department uses a basic mailing list for each rulemaking project that includes the county social service board directors, the regional human service centers, Legal Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state

where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The Department conducts public hearings on all substantive rule-making. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on August 21, 2017. The record was held open until 5:00 p.m. on August 31, 2017, to allow written comments to be submitted. No one attended or provided comments at the public hearing. Two written comments were received within the comment period. The "Summary of Comments" is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2239.44.
6. The proposed rules amend chapter 75-02-04.1. The following specific changes were made:

Section 75-02-04.1-04 is repealed to comply with the revised federal regulations requiring states to consider the basic subsistence needs of obligors who have a limited ability to pay.

Section 75-02-04.1-07 is amended to identify situations in accordance with revised federal regulations that, when present, will preclude imputing income to the obligor; to remove the formula for imputing income to an incarcerated obligor in accordance with 2017 Senate Bill No. 2277; to

clarify language; to update citations; to remove redundant language; and to add a definition of "pension benefits".

Section 75-02-04.1-10 is amended to comply with the revised federal regulations requiring states to consider the basic subsistence needs of obligors who have a limited ability to pay.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule amendments are not expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. The anticipated fiscal impact resulting from the implementation of the proposed amendments is nominal.
10. A constitutional takings assessment was prepared and is attached to this report.
11. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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